

ELYRIA CITY DEPARTMENT OF HEALTH

FILE
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JOHN N. BARTONE, M.D.
~~Commissioner~~
Medical Director



ERNEST G. BARTHA
Acting Commissioner

October 23, 1979

John Rosenbaum
Assistant Prosecutor
City Hall
328 Broad Street
Elyria, Ohio 44035

RE: CITY OF ELYRIA HEALTH DEPARTMENT vs
CHEMICAL RECOVERY, INC. CASE NO. 79 CR 1790

Dear Mr. Rosenbaum:

This is in response to your request for a Bill of Particulars of the order issued by this department June 7, 1979 to Chemical Recovery, Inc.

THE ORDER STATED:

- A. Remove all illegal waste storage containers.
- B. Remove all rubbish, debris, and junk from the premises.

Per Board of Health Miscellaneous Health Hazards and
Insanitary Conditions - Regulation Sections 3,4, and 18.

In our opinion at the Health Department we believe the above order was specific in light of the fact it was discussed with Mr. Freeman. Nevertheless, below we have attempted to clarify the above order.

"Health Hazard" shall mean that state or condition of environment that places, either directly or indirectly, the health of a person in danger or peril.

At the time of the order - the following conditions existed at Chemical Recovery, Inc.

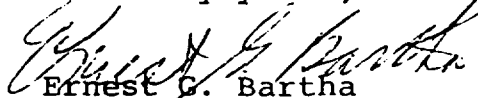
1. Improper storage of drums.
2. No fencing around premises.
3. Accumulation of junk, debris, rusted out drums
4. Pools of industrial liquid wastes on the grounds.

The above conditions pose a condition hazardous to the health and welfare of employees and or trespassers because:

- A. The improper storage of drums is deemed hazardous due to improper stacking. Many drums could easily tip onto someone by a moderate wind or bumping. Leaking drums release chemicals that are corrosive, flammable, and toxic.
- B. Pools of industrial wastes during rain runoff would drain to the river or sewers. This violates City and OEPA water pollution laws. Also, noted is inadequate diking around drums and tanks to prevent storm runoff of chemicals to the river or sewers.
- C. Poor housekeeping of buildings and premises, and accumulation of junk and debris provides rat harbors.
- D. Open drums with water provides mosquito harbors.
- E. Lack of fencing allows opportunity for tampering of the combustible liquid storage by trespassers.

Our primary concern is the public health and general welfare of the citizens of Elyria and the protection of the environment.

Sincerely yours,


Ernest G. Bartha
Health Commissioner

EGB/ds